

**** FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 12/18/2013 12:52:11 PM.****

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO.12-14242 CA (11)

Space Coast Credit Union
For Federal Home Loan Bank of Atlanta

Plaintiff,
vs.
Jacqueline Shaw, Thomas N. Johnson,
Et al.
Defendant(s).

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SUMMARY FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE came before the Court on December 18, 2013, upon Plaintiff, Space Coast Credit Union's Motion for Summary Final Judgment, and the Court having heard argument of counsel, having reviewed the file and being otherwise duly advised in the premises, does hereby make the following findings:

1. This Court has jurisdiction over the parties and the subject matter.
2. There is no genuine issue as to any material fact in this cause and the Plaintiff is entitled to summary final judgment pursuant to law for the claims set forth in its Complaint.

Accordingly, it is,

ORDERED AND ADJUDGED that:

1. The Plaintiff's Motion for Summary Final Judgment is GRANTED. Service of process has been duly and regularly obtained over Jacqueline Shaw, Thomas N. Johnson, Karla Johnson, and The State of Florida, Defendants.

2. Upon Count I (Suit on Promissory Note) of the Complaint, Space Coast Credit Union shall recover from Defendants Jacqueline Shaw and Thomas N. Johnson, jointly and severally, as primary obligors, the following sums (hereafter referred to as the "Total Owed"):

Principal	\$ 275,683.66
Interest through December 18, 2013	\$ 76,251.73
Per Diem Interest at \$44.37374	
Escrow Balance - Negative	\$ 36,927.06
Pre-acceleration late charges	\$ 3,091.72
Title Search Fee	\$ 175.00
Court Filing Fees	\$ 1,906.00
Recording of Lis Pendens	\$ 6.00
Issuance of Summons	\$ 62.50
Service of Process Fees	\$ 615.80
Postage	\$ 48.53
Photocopies	\$ 14.50
Attorney's Fees	\$ 2,838.00

"Total Owed" \$ 397,620.50

3. The Total Owed amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest. This judgment shall bear interest at the rate of 4.75% per annum.

4. Upon Count II of the Complaint, Space Coast Credit Unions is due under the Note, Mortgage, and the Security Agreement sued upon in this action, the "Total Owed" (i.e. \$397,620.50).

a. Space Coast Credit Union, whose address is 3700 Lakeside Drive, Miramar, FL 33027 holds a lien for the Total owed sum specified in Paragraph 2 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the Defendants and all persons, corporations, or other entities claiming by, through, or under the Defendants or any of them and the property will be sold free and clear of all claims of the Defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116. The Plaintiff's lien encumbers the subject property located in Broward County, Florida and described as:

Lot 5, Block 2 of ROYAL PALM ESTATES SECTION ONE, according to the Plat thereof, recorded in Plat Book 69, Page 8 of the Public Records of Broward County, Florida.

920 S.W. 69th Terrace, Plantation, FL 33317

b. If the Total Owed with interest at the rate prescribed in paragraph 3 and all costs of this action accruing subsequent to this judgment are not forthwith paid to Plaintiff Space Coast Credit Union, the Clerk of the Court shall sell the property at a public sale on Feb. 25, 2014, at 10:00 a.m., to the highest bidder for cash, at www.broward.realforeclose.com, in Broward County, Florida in accordance with §45.031 Fla. Stat.

(1989). The Clerk shall not conduct the sale in the absence of the Plaintiff or its representative.

c. The Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property at the sale. If Plaintiff is the purchaser, the Clerk shall credit to Plaintiff's bid (1) the Total Sum plus interest thereon; and (2) all costs accruing subsequent to this judgment or such part of it as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

d. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale so far as they are sufficient by paying: first, all Plaintiff's costs; second, documentary stamps affixed to the Certificate of Title; third, Plaintiff's attorneys' fees; fourth, the Total Sum due to Plaintiff less the items paid, plus interest at the rate prescribed by law from this date to the date of the sale; and by retaining any amount remaining pending the further order of this Court. During the sixty (60) days after the Clerk issues the Certificate of Disbursements, the Clerk shall hold the surplus pending further Order of this Court.

e. On filing of the Certificate of Sale, Defendant's right of redemption as prescribed by Florida Statutes, Section 45.0315 shall be terminated.

f. On filing the Certificate of Title, the said Defendants and all persons claiming by, through, under or against them since the filing of the Notice of Lis Pendens are forever barred and foreclosed of any and all estate, equity, claim or right of redemption in and to the mortgaged property and the purchaser at the sale shall be let into possession of the property. The Clerk of the Court is hereby authorized to issue forthwith, and the Sheriff to serve, a writ of possession for the property without further order of the Court, upon application by the Plaintiff.

5. Jurisdiction of this action is retained to enter further orders as are proper, including, without limitation, writs of possession and deficiency judgments.

6. The Court finds, based upon the Affidavits presented and upon inquiry of counsel for the Plaintiff, that 17.20 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$165.00 per hour is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DO NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reasons for either reduction or enhancement pursuant to Florida Patient's Compensation Fund vs. Rowe, 472 So. 1145 (Fla. 1985) and the Court therefore has awarded reasonable attorney's fees of \$2,838.00.

7. IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

8. IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS

9. IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, BROWARD COUNTY, 201 SE SIXTH STREET, FORT LAUDERDALE, FLORIDA (TELEPHONE: (954) 831-6565), WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

10. IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT COAST TO COAST LEGAL AID FOR SOUTH FLORIDA, INC. 491 NORTH STATE ROAD 7, PLANTATION, FLORIDA 33317 (954) 736-2400 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO COAST TO COAST LEGAL AID FOR SOUTH FLORIDA, INC. 491 NORTH STATE ROAD 7, PLANTATION, FLORIDA 33317 (954) 736-2400 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

«FileNumber»

DONE AND ORDERED This 19th of December, 2013

CIRCUIT COURT JUDGE

SERVICE OF COURT DOCUMENT - CASE NO: CACE 12-14242(11)

Court: In the Circuit Court in and for the 17th Judicial Circuit in and for Broward County, Florida

Plaintiff: Space Coast Credit Union

Defendant(s): Jacqueline Veronica Shaw, et al.

Document(s) Attached: SUMMARY FINAL JUDGMENT OF FORECLOSURE

DESIGNATION OF E-MAIL ADDRESSES

NOTICE IS HEREBY given that undersigned counsel of Blaxberg, Grayson, Kukoff & Twombly, P.A., designates the following primary and secondary e-mail addresses, pursuant to Fla. R. Jud. Admin. 2.516:

Primary: SCCU-E@blaxgray.com

Secondary: Gaspar.Forteza@blaxgray.com

SERVICE LIST

Sent via E-mail to: Jacquievjohnson@gmail.com; SCCU-E@blaxgray.com ;
Gaspar.Forteza@blaxgray.com

Jacqueline Veronica Shaw Johnson Pro-se Defendant 920 SW 69 th Terrace Plantation, FL 33317 E-mail: <u>Jacquievjohnson@gmail.com</u>	
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Sent via US Mail to:

State of Florida Florida State Attorney 100 N. Pine Island Rd # 200 Plantation, FL 33324-7805	